

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7172

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAVIN DATRON WILLIAMS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Dever III, Chief District Judge. (4:10-cr-00088-D-1)

Submitted: April 8, 2016

Decided: April 18, 2016

Before DUNCAN, KEENAN, and DIAZ, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Kavin Datron Williams, Appellant Pro Se. Barbara Dickerson Kocher, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kavin Datron Williams appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction pursuant to Sentencing Guidelines Amendment 782. In denying Williams' motion, the district court determined that Williams received a statutory minimum sentence. See United States v. Williams, No. 4:10-cr-00088-D-1 (E.D.N.C. July 9, 2015). We ordered the Government to file a response addressing whether (1) the Government opposes Williams' 18 U.S.C. § 3582(c)(2) motion; and (2) an 18 U.S.C. § 3582(c)(2) movant may obtain relief from the statutory minimum sentence established at sentencing where he committed his offense before the effective date of the Fair Sentencing Act (FSA) but was sentenced after the effective date of the FSA and before the United States Supreme Court's decision in Dorsey v. United States, 132 S. Ct. 2321 (2012).

In its response, the Government asserts that Williams did not receive a statutory minimum sentence and may be eligible for a sentencing reduction under 18 U.S.C. § 3582(c)(2). The Government has filed a motion to vacate the district court's order and remand the case to the district court to allow further development of the record. Williams agrees with the motion.

Accordingly, we grant the Government's motion to vacate and remand, vacate the district court's July 9, 2015 order, and

remand for further proceedings. We deny, as moot, Williams' motion to appoint counsel to respond to the Government's motion to vacate and remand. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED